

Congress of the United States
House of Representatives
Washington, DC 20515-4312

October 14, 2026

The Honorable Kyle Diamantas
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993

Dear Acting Commissioner Diamantas:

As you know, earlier this year, I offered an amendment to the FY27 Agriculture appropriations bill to prohibit federal funds from being used to implement, administer, or enforce the Food and Drug Administration's (FDA) January 2023 changes to the mifepristone Risk Evaluation and Mitigation Strategy (REMS). I agreed to withdraw that amendment in good faith following discussions with FDA and the Administration and based on the understanding that FDA would complete its review of mifepristone and address the 2023 REMS changes this fall.

However, in your status report filed in federal court on October 7, 2026, FDA indicated that it does not expect to receive the initial results of its safety study until mid-December 2026 and expects to complete its evaluation and report in March 2027.¹ This projected timeline extends well beyond the assurances I relied upon when withdrawing my amendment.

My amendment was straightforward: Congress should not provide taxpayer dollars to administer a regulatory regime that expanded access to abortion pills used to kill unborn children. I was prepared to force Congress to vote on the continued use of federal funds to implement the 2023 changes. Instead, based on that understanding, I withdrew my amendment and provided FDA the opportunity to address the matter administratively.

I did not withdraw my amendment so that FDA could conduct an open-ended review while continuing to administer the Biden Administration's policy. FDA's October 7th filing only reinforces this concern. The agency now anticipates completing its evaluation in March 2027, with no firm deadline for completion and no commitment to take regulatory action thereafter. The need to complete a review cannot become a justification for indefinite delay. Every day FDA delays action is another day this dangerous regulatory regime remains in place, allowing more abortion pills to be distributed by mail and more unborn children to lose their lives.

¹ https://litigationtracker.law.georgetown.edu/wp-content/uploads/2025/10/Louisiana_2026.10.07_DEFENDANTS-STATUS-REPORT.pdf

Accordingly, I ask you to demonstrate how FDA intends to fulfill the understanding upon which I agreed to withdraw my amendment. Please provide my office with the following information no later than October 27, 2026:

1. A description of the actions the agency has taken since my withdrawal of the amendment to fulfill that understanding, including the current status of its review of mifepristone and the January 2023 REMS modifications.
2. An explanation of why the agency now expects its review to continue until March 2027, despite the assurances provided to my office that the agency would address the matter this fall.
3. Confirmation of whether the agency will commit to publicly releasing the initial results of its safety study promptly upon receipt in December 2026, rather than requiring the public to wait until the completion of its evaluation and report in March 2027 to access those findings.
4. An explanation of when the agency anticipates making a regulatory determination regarding the January 2023 REMS modifications following completion of its review, including whether it intends to reinstate the in-person dispensing requirement and the expected timeline for implementing any resulting changes.

House Republicans cannot be expected to continue funding the implementation of the January 2023 REMS modifications indefinitely while FDA repeatedly extends its review without committing to corrective action. If FDA will not act to reverse those modifications, including reinstating the in-person dispensing requirement, Congress must act. Absent prompt action by the agency, I will seek to include my amendment in the next continuing resolution to prohibit taxpayer dollars from being used to implement, administer, or enforce the January 2023 REMS modifications.

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy', with a stylized, cursive script.

Chip Roy
Member of Congress

cc: The Honorable Mike Johnson, Speaker, U.S. House of Representatives